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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JORDAN D. ETZIG

Plaintiff,

vs.

MONTEREY FINANCIAL SERVICES LLC
dba MONTEREY COLLECTION SERVICES

Defendant.

No.

JURY DEMANDED

COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the FDCPA, 15 U.S.C. § 1692k(d); 28 U.S.C. § 1331, 28 U.S.C. § 1332, the FCRA, 15 U.S.C. Section 1681(p) and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant perpetrated therein.

PRELIMINARY STATEMENT

2. This action is instituted in accordance with and to remedy Defendant's violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter FDCPA"), state law obligations brought as supplemental claims hereto and Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 et seq. ("FCRA").

PARTIES

3. Plaintiff, Jordan D. Etzig, is a natural person who resides in Las Vegas, Nevada, and is a "consumer" as defined by 15 U.S.C. § 1692a(3) and allegedly owes a "debt" as defined by 15 U.S.C. § 1692a(5).

4. Defendant, Monterey Financial Services LLC dba Monterey Collection Services (MFS), is a foreign Corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business in Oceanside, CA, and regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

5. Defendant is also a furnisher of information as contemplated by FCRA § 1681s-2(a) & (b), who regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about consumer transactions or experiences with any consumer.

FACTUAL ALLEGATIONS

6. Plaintiff(s) repeat, reallege and assert all factual allegations contained in the preliminary statement to this Complaint and reassert them as incorporated in full herein.

7. During 2019 Plaintiff reviewed his Equifax credit report.

8. Plaintiff discerned Defendant was twice reporting the identical collection account.

9. MFS reported the same account under both Monterey Financial Services *and* separately under Monterey Collection Services.

10. Plaintiff called Defendant disputing the accounts .

11. Plaintiff requested validation.

12. Plaintiff received nothing from Defendant in violation of FDCPA § 1692g(a).

13. On March 10, 2020 Plaintiff obtained his Equifax report.

14. Defendant still reported its tradelines (Exhibit 1).

15. Defendant failed to note Plaintiff's dispute in violation of FDCPA §§ 1692e and 1692e(8).

1 16. The identical accounts were *deliberately reported under separate and different*
2 *account numbers.*

3 17. Defendant intentionally dually reported the purported debt in order to provide the
4 false impression Plaintiff owed double the alleged amount.

5 18. Defendant double-reports accounts under different account numbers as part of its
6 routine, willful business practices.

7 19. Defendant double-reports its accounts under these conditions to wrench payment
8 from consumers like Plaintiff.

9 20. Defendant willfully attempts to injure both Plaintiff, and consumers like him, to
10 enforce compliance with Defendant's payment demands.

11 21. Defendant mischaracterized the legal status of Plaintiff's alleged account in
12 violation of FDCPA §§ 1692e(2)(A) and 1692e(10).

13 22. Defendant's assertion Plaintiff had two (2) accounts due and owing was a material
14 misrepresentation made in violation of FDCPA §1692e. *Tourgeman v. Collins Financial*
15 *Services, Inc.*, 755 F.3d 1109, 1121 (9th Cir. 2014).

16 23. Defendant's misleading reporting can be reasonably read to have multiple
17 meanings in violation of FDCPA §§ 1692e and 1692e(10). *Russell v. Equifax A.R.S.*, 74 F.3d 30,
18 35 (2nd Cir. 1996).

19 24. The presence of the subject tradelines on Plaintiff's credit profiles violates
20 FDCPA §§ 1692e and 1692e(8) and has impaired Plaintiff's access to financing. *Brady v. Credit*
21 *Recovery Co., Inc.*, 160 F.3d 64 (1st Cir. 1998).

22 25. Plaintiff has suffered meaningful emotional distress including, but not limited to,
23 excessive worry, frustration, sleeplessness, anger, humiliation, embarrassment, chagrin and other
24 mental anguish as a direct result of Defendant's conduct. *McCollough v. Johnson, Rodenburg &*
25 *Lauinger, LLC*, 637 F.3d 939, 957 (9th Cir. 2011).

26 26. On approximately April 30, 2020 Plaintiff disputed Defendant's inaccurate
27 reporting with the national credit reporting agencies.
28

1 27. Plaintiff's disputes were posited by both Defendant's dual reporting and the
2 *inherently fraudulent* nature of the underlying account.

3 28. Defendant failed to conduct either a reasonable or lawful reinvestigation and
4 simply verified its inaccurate reporting on Plaintiff's reports.

5 29. The foregoing acts and omissions of Defendant were undertaken by it willfully,
6 maliciously, and intentionally, knowingly, and/or in gross or reckless disregard of the rights of
7 Plaintiff.

8 30. Indeed, the foregoing acts and omissions of Defendant were undertaken by it
9 indiscriminately and persistently, as part of its regular and routine debt collection efforts, and
10 without regard to or consideration of the identity or rights of Plaintiff.

11 31. As a proximate result of the foregoing acts and omissions of Defendant, Plaintiff
12 has suffered actual damages and injury, including, but not limited to, stress, humiliation, mental
13 anguish and suffering, and emotional distress, for which Plaintiff should be compensated in an
14 amount to be proven at trial.

15 32. As a result of the foregoing acts and omissions of Defendant, and in order to
16 punish Defendant for its outrageous and malicious conduct, as well as to deter it from
17 committing similar acts in the future as part of its debt collection efforts, Plaintiff is entitled to
18 recover punitive damages in an amount to be proven at trial.

19
20 **CAUSES OF ACTION**

21 **COUNT I**

22 33. The foregoing acts and omissions of Defendant constitute violations of the
23 FDCPA, including, but not limited to, Sections 1692d, 1692e and 1692f.

24 34. Plaintiff is entitled to recover statutory damages, actual damages, reasonable
25 attorney's fees, and costs.

26 **COUNT II**

27 35. Defendant's acts and omissions constitute unreasonable debt collection practices
28 in violation of the doctrine of Invasion of Privacy. Kuhn v. Account Control Technology, Inc.,

1 865 F. Supp. 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of Nevada, Inc.*, 969
2 F. Supp. 609, 613-14 (D. of Nev. 1997).

3 36. Plaintiff is entitled to recover actual damages as well as punitive damages in an
4 amount to be proven at trial.

5 **COUNT III**

6 37. In the entire course of its action, Defendant willfully
7 and/or negligently violated the provisions of the FCRA in the following respects:

- 8 a. By willfully and/or negligently failing to comport with
9 FCRA § 1681s-2(b).

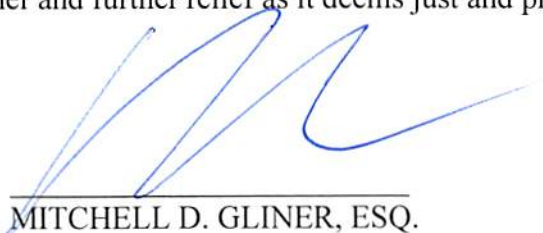
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11 **PRAYER FOR RELIEF**

12 **JURY DEMANDED**

13 Plaintiff hereby demands trial by a six-person jury on all issues so triable.

14 WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- 15 1. Award actual damages.
16 2. Award punitive damages.
17 3. Award statutory damages.
18 4. Award reasonable attorney fees and costs.
19 5. Grant such other and further relief as it deems just and proper.

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25 3017 W. Charleston Blvd. #95
26 Las Vegas, Nevada 89102
27 Attorney for Plaintiff
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CREDIT REPORT

JORDAN ETZIG

Report Confirmation

0570103295

EXHIBIT 1

4.4 MONTEREY FINANCIAL SERVICES (CLOSED)

Summary

Your debt-to-credit ratio represents the amount of credit you're using and generally makes up a percentage of your credit score. It's calculated by dividing an account's reported balance by its credit limit.

Account Number	xxxxx 8715	Reported Balance	\$3,982
Account Status	CHARGE_OFF	Debt-to-Credit Ratio	N/A
Available Credit			

The tables below show up to 2 years of the monthly balance, available credit, scheduled payment, date of last payment, high credit, credit limit, amount past due, activity designator, and comments.

Payment History

View up to 7 years of monthly payment history on this account. The numbers indicated in each month represent the number of days a payment was past due; the letters indicate other account events, such as bankruptcy or collections.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2017	XXX	XXX	✓	✓	✓	30	60	XXX	XXX	XXX	XXX	XXX
✓ Paid on Time	30 30 Days Past Due			60 60 Days Past Due		90 90 Days Past Due		120 120 Days Past Due				
150 150 Days Past Due	180 180 Days Past Due			V Voluntary Surrender		F Foreclosure		C Collection Account				
CO Charge-Off	B Included in Bankruptcy			R Repossession		TN Too New to Rate		XXX No Data Available				

Account Details

View detailed information about this account. Contact the creditor or lender if you have any questions about it.

High Credit	Owner	INDIVIDUAL
Credit Limit	Account Type	INSTALLMENT
Terms Frequency	MONTHLY	Term Duration 2
Balance	\$3,982	Date Opened Jan 31, 2017
Amount Past Due		Date Reported Aug 31, 2017
Actual Payment Amount		Date of Last Payment May 01, 2017
Date of Last Activity		Scheduled Payment Amount
Months Reviewed	5	Delinquency First Reported Aug 01, 2017

Activity Designator		Creditor Classification	UNKNOWN
Deferred Payment Start Date		Charge Off Amount	\$3,882
Balloon Payment Date		Balloon Payment Amount	
Loan Type	Unsecured	Date Closed	
Date of First Delinquency	Jun 01, 2017		
Comments		Contact	
Charged off account		MONTEREY FINANCIAL SERVICES	
		4095 AVENIDA DE LA PLATA	
		OCEANSIDE, CA 92056	
		1-760-638-3540	

10. Collections

Collections are accounts with outstanding debt that have been placed by a creditor with a collection agency. Collections stay on your credit report for up to 7 years from the date the account first became past due. They generally have a negative impact on your credit score.

Date Reported: Feb 29, 2020

Collection Agency	MONTEREY COLLECTION SERVICES	Balance Date	Feb 29, 2020
Original Creditor Name	EMPORIUM	Account Designator Code	INDIVIDUAL_ACCOUNT
Date Assigned	Aug 29, 2017	Account Number	xxxxx 9021
Original Amount Owed	\$3,983	Creditor Classification	Financial
Amount	\$4,002	Last Payment Date	
Status Date	Feb 29, 2020	Date of First Delinquency	May 25, 2017
Status	UNPAID		

Comments

Contact

MONTEREY COLLECTION SERVICES
4095 AVENIDA DE LA PLATA
OCEANSIDE, CA 92056
1-800-772-2026